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Filing date: **09/22/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204095
Party	Defendant The Safe Cig, LLC
Correspondence Address	PHILIP J DAMAN DAMAN LLC 17383 SUNSET BLVD , SUITE A340 PACIFIC PALISADES, CA 90272 UNITED STATES michael.lovitz@damanllc.com, phillip.daman@damanllc.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Michael L. Lovitz
Filer's e-mail	trademarks@damanllc.com
Signature	/michael l lovitz/
Date	09/22/2014
Attachments	Motion for extension of dates - 09-14.pdf(74178 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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Lorillard Licensing Company, LLC	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91204095
	:	
The Safe Cig, LLC	:	
	:	Attorney Docket No. D1003-9001
Applicant.	:	
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MOTION TO EXTEND DISCOVERY AND TRIAL DATES ON CONSENT

Applicant, The Safe Cig, LLC (“Applicant”), through undersigned counsel, requests the close of the discovery and trial periods be extended by six (6) months in order to permit the parties to complete discovery in the above-captioned matter. Opposer has consented to this extension request.

In accordance with the Board’s September 25, 2013 Order, granting the September 6, 2013 motion for extension of dates, Applicant submits that good cause exists for this extension request and provides the following information regarding the progress of ongoing settlement negotiations.

As Applicant previously advised the Board, since early 2013 Applicant has been involved with several legal actions arising from internal disorder and disputes among the majority owners and minority owners of Applicant, which has resulted in, *inter alia*, the appointment of a receiver to control the operations of Applicant, and the appointment of a permanent receiver.

The receivership of Applicant remains in place, and although it is expected that the receivership will be terminated in the relatively near future, there remains no specific date for such termination. As previously noted, the requirements of working with and through the receiver, and the ongoing dispute between the owners, makes it extremely difficult for Applicant to meet its discovery obligations. Further, it remains exceedingly difficult for Applicant to fully and properly engage in meaningful discussions regarding the specifics of settlement terms until the receivership has been concluded. Therefore, the parties are requesting an extension of the discovery and trial dates to permit time for Applicant to leave receivership, and thereby allow the parties to return to their settlement discussions.

In light of the foregoing, the parties respectfully request that the Board reset the discovery and trial dates as follows:

Expert Disclosures Due:	03/06/2015
Discovery Closes:	04/06/2015
Plaintiff's Pretrial Disclosures:	05/20/2015
Plaintiff's 30-day Trial Period Ends:	07/04/2015
Defendant's Pretrial Disclosures:	07/19/2015
Defendant's 30-day Trial Period Ends:	09/05/2015
Plaintiff's Rebuttal Disclosures:	09/20/2015
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	11/04/2015
Counterclaim Plaintiff's Rebuttal Disclosures Due	11/19/2015
15-day rebuttal period for plaintiff in the counterclaim to close	12/18/2015
Brief for plaintiff due	02/17/2016
Brief for defendant and plaintiff in the counterclaim due	03/16/2016
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	04/16/2016
Reply brief, if any, for plaintiff in the counterclaim due	05/01/2016

Respectfully submitted.

/michael l lovitz/
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I, Michael L. Lovitz, hereby certify on this 5th day of September, 2014, that a true and correct copy of the foregoing **Initial Disclosures of Applicant The Safe Cig, LLC** was served upon counsel of record, per agreement between the parties, by electronic mail at the following address:

James L. Lester, Esq.
jlester@maccordmason.com

Michael L. Lovitz, Esq.